

**R.C.S. No.234/2021
Mahapati Vs.**

ORDER BELOW EXH.35 .

Read an application. No reply filed by any defendants. Perused the record. Heard the learned counsel for the plaintiff Adv. Shri. P.S. Godse.

2. The plaintiff filed this instant application under order VI rule 17 of the Code of Civil Procedure and submitted that the name of defendant No.16 is mentioned as of Vikas Ganpat Madne, but the real name of the said defendant is Khandu Ganpat Madne. The name of defendant No.16 is incorrectly mentioned while preparing plaint. Therefore, the plaintiff prayed to grant permission to correct the name of defendant No.16. The learned counsle for plaintiff also submitted that the name of defendant No.16 is required to be corrected and therefore, prayed to allow the application. On the contrary, no any defendants filed the reply. On perusal of record, it appears that plaintiff filed this suit against all defendants for the declaration that the suit property i.e. agricultural land bearing field Survey No.551, 568 and 616 situated at Rajapur are the ancestral property of plaintiffs. Plaintiffs also sought perpetual injunction against all defendants. This suit is proceeded ex-parte against defendant No.2 to 5, 12, 17 and 18 vide order below Exh. 1 dtd. 17.11.2022. This suit is also proceeded without written statement of defendant No.1, 6 to 11, 13 to 15 and 19 vide order below Exh. 1 dtd.13.10.2022. The suit summons is unserved to defendant No.16. Plaintiffs filed this instant application before the commencement of trial.

The nature of suit will not be changed, if the application is allowed. No prejudice will be caused to defendant, if the application allowed. Under these circumstances, I am of the opinion, that it is necessary to grant permission to plaintiff to make necessary amendment in the plaint. Accordingly, I proceed to pass the following order.

ORDER

1. The application is allowed.
- 2 Plaintiffs are permitted to make necessary amendment in the plaint till next date, otherwise this application shall automatically stands rejected.
- 3 Plaintiffs are further directed to file amended copy of the plaint till next date
4. Parties are directed to take note of it.

Vaduj
Date: 02.01.2023

(D.D. Fulzele)
Civil Judge Sr.Dn., Vaduj